

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

TONI JENKINS and  
ROSA SCHWARTZ,  
Plaintiffs,

v.

THE INSURANCE COMPANY OF  
THE STATE OF PENNSYLVANIA,  
*et al.*,  
Defendants.

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CIVIL ACTION NO. H-05-2495

**REMAND ORDER**

This case is before the Court on the Motion for Remand [Doc. # 5], to which no opposition has been filed. It appearing that complete diversity between the parties does not exist in this case because Plaintiff Jenkins and Defendant Belinda Ybarra are both citizens of Texas, it is hereby

**ORDERED** that the Motion for Remand [Doc. # 5] is **GRANTED** and this case is **REMANDED** to the 295th Judicial District Court of Harris County, Texas, for lack of subject matter jurisdiction.

SIGNED at Houston, Texas, this **24th** day of **August, 2005**.

  
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Nancy F. Atlas  
United States District Judge